

Docket No.: 2001 P 04580 US  
App. No.: 09/809,761

### REMARKS

Claims 1-4, 7-9, 11-16 and 19-20 are pending in the Application. Claims 1, 7 and 19 have been amended.

#### *Claim Rejections - 35 U.S.C. § 102*

The Patent Office rejected claims 1, 2, 5-8 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,642,630 by Beckner, ("Beckner").

Applicant respectfully traverses. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). Emphasis added. Additionally, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Applicant respectfully submits claims 1 and 19 recite novel and nonobvious elements. For example, claims 1 and 19 generally recite a local area network including a plurality of bus ports coupled to a data bus, data being transferred on the data bus in a repeating, variable length frame, said frame being defined by a plurality of clock cycles, at least one of which is reserved for bidding for access to transmit on the data bus, following the bidding cycle, at least one cycle is reserved for transmission of message length, at least one cycle is reserved for transmission of destination address, and at least one cycle is reserved for the port having the destination address to assert a busy signal on the data bus. The Patent Office is

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correct that Beckner fails to teach, disclose or suggest a local area network including a plurality of bus ports coupled to a data bus, data being transferred on the data bus in a repeating, variable length frame, said frame being defined by a plurality of clock cycles, at least one of which is reserved for bidding for access to transmit on the data bus, following the bidding cycle, at least one cycle is reserved for transmission of message length, at least one cycle is reserved for transmission of destination address, and at least one cycle is reserved for the port having the destination address to assert a busy signal on the data bus.

The Patent Office is incorrect in the assertion that Osman cures the defects of Beckner. The Patent Office cites Column 13, line 38 through Column 14, Line 67 for support of its assertion that Osman discloses said frame being defined by a plurality of clock cycles, at least one of which is reserved for bidding for access to transmit on the data bus, following the bidding cycle, at least one cycle is reserved for transmission of message length, at least one cycle is reserved for transmission of destination address, and at least one cycle is reserved for the port having the destination address to assert a busy signal on the data bus. (See Rejection of Claim 10, Page 6 of Office Action of October 24, 2005). However, this passage and the entire disclosure of Osman fails to teach, disclose or suggest elements of claims 1 and 19. For example, Osman fails to teach, disclose or suggest a frame defined by a plurality of cycles, wherein at least one cycle of the frame is reserved for transmission of message length. The cited passage and entire disclosure of do not message a transmission of message length within a cycle of a frame. Osman actually teaches away from the transmission of message length by disclosing the use of type bits to indicate the end of a transfer. (Osman, Column 4, Lines 59-65). Consequently, claims 1 and 19 are novel and nonobvious. Claims 2 and 5-8 are believed allowable due to their dependence upon an allowable base claim.

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*Claim Rejections - 35 U.S.C. § 103*

The Patent Office rejected claims 3 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,642,630 by Beckner, ("Beckner") in view of U.S. Patent No. 6,760,799 by Dunlap et al., ("Dunlap").

Applicant respectfully traverses. It is contended that all of the claims rejected under this section depend on independent claims 1 and 19, both of which are non-anticipatory and non-obvious based on the rationale above. Thus, dependent claim 3 (which depends on independent claim 1) and dependent claim 20 (which depends on independent claim 19) should be allowed.

The Patent Office rejected claims 4 and 9-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,642,630 by Beckner, ("Beckner") in view of U.S. Patent No. 5,659,718 by Osman et al., ("Osman").

Applicant respectfully traverses. Regarding claims 4, 9 and 10, it is contended that these claims depend on independent claim 1, which is non-anticipatory and non-obvious based on the rationale above. Thus, dependent claims 4 and 9-10 should be allowed.

Applicant respectfully submits claim 11 is novel and nonobvious. Osman fails to cure the defects of Beckner. Consequently, claim 11 is believed allowable. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Applicant respectfully submits claim 11 generally recites a bus controller for granting access to the bidding port having the highest priority and placing the other bidding port addresses in a queue. The Patent Office cites Fig. 4, Address Lookup Logic 420, CAM 495 for support of its assertion that Osman discloses placing the other bidding port addresses in a queue. However, the queue is for storing bidding

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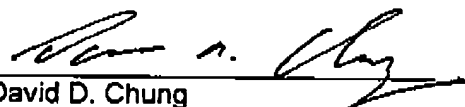
port addresses of lower priority for access to the bus. CAM 495 of Osman indicates which stations are included in the network segment coupled to the port logic device 310 that includes the CAM 495. (Osman, Column 8, Line 64 – Column 9, Line 5). This has no relationship with the bidding port addresses. Similarly, address lookup logic 420 processes the source and destination addresses of the frame but makes no mention of bidding port addresses. Consequently, CAM 495 and address lookup logic 420 store information relating the connected ports and is not equivalent to a queue for storing bidding port addresses for access to the bus. Under *in re Ryoka*, a *prima facie* case of obviousness has not been established for claim 11. Claims 12-16 are believed allowable due to their dependence upon an allowable base claim.

#### Conclusion

Applicants respectfully submit that all claims are allowable, and it is respectfully requested that the entire application now be passed to formal allowance.

Respectfully Submitted,

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